

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PAUL HENRY,

Plaintiff,

- against -

ORDER

06-CV-6898 (JS) (ETB)

FRANK BERLANGA, PAUL READ,
JOSEPH HUGHES, PHILIP C. BRADY,
JOHN COMISKEY, and COUNTY OF
NASSAU,

Defendants.

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APPEARANCES:

For Plaintiff:

Paul Henry, pro se
07A1752
Five Points Correctional Facility
State Route 96
P.O. Box 119
Romulus, NY 14541

For Defendants:

Ralph J. Reissman, Esq.
Nassau County Attorney's Office
One West Street
Mineola, NY 11501

SEYBERT, District Judge:

Upon review of the Report and Recommendation ("Report") of Magistrate Judge E. Thomas Boyle issued April 22, 2008, to which no party has objected, the Court hereby ADOPTS the Report in its entirety.

Magistrate Judge Boyle's Report provided that any objections were to be filed with the Clerk of the Court within ten days of the date of the Report. The time for filing objections has expired and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

The Court ADOPTS the Report in its entirety and ORDERS

that this action be administratively CLOSED pending the outcome of Plaintiff's appeal of his robbery conviction to the Appellate Division, Second Department. Within 60 days of service of the Appellate Division's order deciding Plaintiff appeal, Plaintiff is ORDERED to notify this Court and request that this action be restored to the active docket. In the event Plaintiff fails to make such request within 60 days of service of the Appellate Division's order, this action will be dismissed with prejudice and without further notice.

The Clerk of the Court is directed to mark this matter administratively CLOSED.

SO ORDERED.

151 JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: May 14, 2008
Central Islip, New York